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13 **UNITED STATES DISTRICT COURT**

14 **EASTERN DISTRICT OF CALIFORNIA**

15 **FRESNO DIVISION**

16 JOHN EDWARD ROBERTS,) Case No.: 1:21-cv-00462-SKO
17 Plaintiff,) STIPULATION TO REMAND
18 vs.) AND ORDER
19 COMMISSIONER OF SOCIAL SECURITY,)
20 Defendant.)
21 _____)

22 IT IS STIPULATED by and between John Edward Roberts (Plaintiff) and Kilolo
23 Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned
24 counsel of record, that the above-entitled action shall be remanded to the Commissioner of
25 Social Security for further administrative proceedings.

26 Upon remand, the Office of Hearing Operations will remand the case to an
27 Administrative Law Judge (ALJ) for a new decision, and instruct the ALJ to re-evaluate the
28 medical opinion evidence of record. The parties further request that the Court direct the Clerk

1 of the Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the
2 final decision of the Commissioner.

3 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
4 Social Security Act, 42 U.S.C. 405(g).

5 Respectfully submitted this 28th day of February 2022.
6

7 Dated: March 1, 2022

/s/ Jonathan O. Pena

JONATHAN O. PENA

Attorney for Plaintiff

*Authorized via e-mail on Feb. 28, 2022

10 Dated: March 1, 2022

PHILLIP A. TALBERT

United States Attorney

LISA A. THOMAS

Regional Chief Counsel, Region VII

Social Security Administration

14 By:

/s/ SARAH E. PRESTON

SARAH E. PRESTON

Special Assistant United States Attorney

16 Attorneys for Defendant
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19 **ORDER**

20 Based upon the parties' foregoing Stipulation to Voluntary Remand Pursuant to Sentence
21 Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand") (Doc. 17), and
22 for cause shown,

23 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of
24 Social Security for further proceedings consistent with the terms of the Stipulation to Remand.

25 The Clerk of the Court is hereby DIRECTED to:

26 (1) enter judgment in favor of Plaintiff John Edward Roberts and against Defendant Kilolo
27 Kijakazi, Acting Commissioner of Social Security; and
28

1 (2) administratively close this file.

2 IT IS SO ORDERED.

3 Dated: March 1, 2022

4 /s/ Sheila K. Oberto

5 UNITED STATES MAGISTRATE JUDGE

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